

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH ELLIOT,

Petitioner

v.

JOHN WETZEL, et al.,

Respondent.

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CIVIL ACTION NO. 16-2076

ORDER

This 19th day of March, 2021, upon careful and independent consideration of the Amended Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Petitioner, Joseph Elliot, (ECF 12), the record in this case, the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, dated June 15, 2020, (ECF 51), and Petitioner's Objection to the Report and Recommendation, (ECF 57), and for the additional reasons set forth in the accompanying Memorandum Opinion, **IT IS ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **DENIED** with prejudice;
3. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's disposition of Petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case closed for statistical purposes.

/s/ Gerald Austin McHugh
United States District Judge